

November 28, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **VoIP E911 Compliance Report (November 28, 2005)**
Broadline Communications, Inc.; WC Docket No. 05-196

Dear Ms. Dortch:

Broadline Communications, Inc. ("Broadline" or "Company"), through its undersigned counsel and pursuant to Commission Rule 9.5(f), as adopted by the Commission's *Order*¹ concerning the enhanced 911 ("E911") service requirements and conditions applicable to interconnected Voice over Internet Protocol ("VoIP") service providers, submits this Compliance Report ("Report") to advise the Commission of the status of Company's efforts to comply with the Commission's VoIP E911 Rules.²

Headquartered in Maitland, Florida, Broadline provides VoIP services to residential customers in Southeastern Florida. Company uses a subscriber's existing broadband Internet connection to deliver Company's VoIP services. Broadline does not intend for its VoIP service to be nomadic and does not market its service as such. In fact, Company informs subscribers that the service should not be operated nomadically and each subscriber specifically agrees to this term of service via Company's subscriber contract. Company is in the process of disconnecting any subscriber who has moved its premises equipment to a location outside of Company's operating footprint and will continue to do so on a going forward basis.

¹ *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking 20 FCC Rcd. 10245 (2005) ("*VoIP E911 Order*").

² Pursuant to the Commission's prior Public Notices, Company has filed 4 status reports concerning Company's efforts to notify its customers of the limitations associated with Company's VoIP 911 service, and to obtain affirmative acknowledgments from those subscribers stating that they fully understand those limitations. These reports were filed in the above-referenced docket on August 10, 2005, September 1, 2005, September 22, 2005 and October 25, 2005, respectively.

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As required by the Commission's rules, and consistent with the Public Notice issued by the Enforcement Bureau on November 7, 2005³ (the "Public Notice"), this Report details Company's efforts to provide E911 service to customers in compliance with Commission Rule 9.5(b) and (c), and comply with registered location requirements of Commission Rule 9.5(d). As requested by the Enforcement Bureau in the Public Notice, Company states as follows:

1) A quantification, on a percentage basis, of the number of subscribers to whom the Company is able to provide 911 service in compliance with the rules established in the *VoIP 911 Order*.

Company is able to provide 911 service in compliance with the rules established in the *VoIP E911 Order* to 97.5% of its subscribers.

2) A detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the *VoIP 911 Order*, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."

Company is transmitting all 911 calls within its operating footprint in accordance with Paragraph 42 of the *VoIP E911 Order*. All 911 calls within Company's operating footprint are properly transmitted via the Wireline E911 Network as long as the subscriber is within Company's operating footprint. As previously described, Company does not intend for its service to be nomadic and does not market its service as such. Company is in the process of disconnecting any subscriber who has moved its premises equipment to a location outside of Company's operating footprint and will continue to do so on a going forward basis. To the extent that Company is in the process of, but has not completed, its disconnection of subscribers outside Company's footprint by November 28, 2005, Company hereby requests a waiver of the deadline and seeks an extension of time in which to bring itself into full compliance.

3) If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, a detailed explanation why not.

As noted above, all 911 calls originating within Company's operating footprint are transmitted by the Company to the correct answering point where Selective Routers are utilized unless a subscriber has moved its premise equipment to a new location outside of Company's operating footprint. As previously described, Company does not intend for its VoIP service to be nomadic and is in the process of disconnecting any subscriber who has moved its premises equipment to a location outside of the Company's operating footprint.

³ *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2945 (rel. Nov. 7, 2005).

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4) The number of Selective Routers to which the Company has interconnected, directly or indirectly, as of November 28, 2005.

As of November 28, 2005, Company has interconnected to ten (10) Selective Routers either directly or indirectly.

5) A detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information.

For 911 calls placed within Company's operating footprint, Company transmits via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information unless a subscriber has moved its premise equipment to a new location outside of Company's operating footprint, in which case Company intends to disconnect that subscriber's service.

6) The percentage of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits.

To the company's knowledge and belief, 100% of the answering points within Company's operating footprint are capable of receiving and processing ANI and Registered Location information transmitted by Company.

7) The percentage of subscribers whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information.

97.5% of Company's subscriber ANI and Registered Location is being transmitted to answering points that are capable of receiving and processing this information. This percentage represents the percentage of Company subscribers that are within Company's operating footprint; the remaining 2.5% represents Company's subscribers whose location is outside of Company's operating footprint. As previously described, Company is in the process of disconnecting service to those subscribers who have moved out of Company's operating footprint.

8) If the provider is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.

Company is able to transmit subscriber ANI and Registered Location for all subscribers whose location is inside of Company's operating footprint (the 97.5% of Company subscribers described in response to Item 7 above).

9) To the extent a provider has not achieved full 911 compliance with the requirements of the *VoIP 911 Order* in all areas of the country by November 28, 2005, the provider

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should describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not.

Company is in full compliance with the *VoIP E911 Order* within its operating footprint, which includes the Atlanta, Tampa, Saint Petersburg, Jacksonville, Miami, Fort Lauderdale, and Orlando areas. As previously described, Company does not intend for its VoIP service to be nomadic and thus does not provide 911 services outside of its operating footprint. Company does not plan to implement technical solutions for nomadic 911 services outside of its operating footprint, but instead plans to disconnect any subscriber who moves its premises equipment to a location outside of the Company's operating footprint.

10) If not in full compliance, the Company's plans for coming into full compliance with the requirements of the *Order*, including its anticipated timeframe for such compliance.

Please see Company's response to Item 9 above.

11) A detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location (including, but not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location).

With respect to new VoIP subscribers, the initial Registered Location for each new subscriber is obtained either via telephone or via Company's website during the ordering process for new services. Company has obtained initial Registered Location information from 100% of its new subscribers.

With respect to existing VoIP subscribers, Company has taken multiple steps to obtain or confirm, as applicable, the current Registered Location for each such subscriber. Three letters have been sent to the initial Registered Location for existing subscribers seeking current information; and multiple telephone calls and e-mails have been placed by Company's Customer Service Department to each existing subscriber who has failed to respond to Company's correspondence. As of the date of this report, Company has verified current Registered Location information through affirmative acknowledgements from 88% of its existing subscribers. Company's efforts at achieving 100% confirmation have been hampered as a result of the hurricane affecting businesses and residents in southern Florida on or about October 24, 2005.

12) A detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.

Subscribers may update their Registered Locations by contacting Company via: (a) its toll-free telephone number; (b) logging on to Company's website; or (c) sending a letter to

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Company's Customer Service Department in Maitland, FL. Company offers its subscribers the option of updating their Registered Location using the VoIP telephone equipment that they use to access their interconnected VoIP service by dialing the Company's toll-free telephone number as stated above.

13) A detailed description of any technical solutions the Company is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.

Company does not intend its service to be nomadic and therefore does not intend to implement technical solutions with respect to 911 access to nomadic subscribers. Company will continue to provide service to those subscribers who have provided confirmation of their current Registered Location within Company's operating footprint. Company is in the process of suspending service to those subscribers from whom Company has not received confirmation, and ultimately intends to disconnect service to those subscribers who fail to confirm their current Registered Location and acknowledge 911 limitations following suspension. Company is also in the process of disconnecting subscribers who have moved outside of Company's operating footprint. To the extent that Company is in the process of, but has not completed, its disconnection of subscribers outside Company's footprint by November 28, 2005, Company hereby requests a waiver of the deadline and seeks an extension of time in which to bring itself into full compliance.

14) A description of any automatic detection mechanism that enables the Company to identify when a customer may have moved his or her interconnected VoIP service to a new location and ensure that the customer continues to receive 911 service even when using the interconnected VoIP service nomadically.

As noted above, Company does not intend for its VoIP service to be operated nomadically and thus does not plan to implement any solutions for detecting nomadic service.

Respectfully submitted,

A handwritten signature in cursive script, reading "Wendy M. Creeden". To the right of the signature, the letters "JRS" are handwritten.

Russell M. Blau

Wendy M. Creeden

Counsel for Broadline Communications, Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
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Timothy Tuck (Broadline)

Allison Hicks (Broadline)

I, Tim Tuck, state that I am Vice President of Customer Care of Broadline Communications Inc.; that I am authorized to submit the forgoing *VoIP E911 Compliance Report* ("*Report*") on behalf of the Companies; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.



Name: Tim Tuck

Title: Vice President of Customer Care
Broadline Communications, Inc.